IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5891 OF 2004

Smt.Savitri Chandraprakash Pal .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

Mr. S.P.Kanuga with Smt.P.P.Bhosale for the petitioner

Mr. V.D.Mulllan, A.G.P. for the respondent no.1 and 2

Mr. P.A.Pol for the respondent no.4

**CORAM: A.P.SHAH &**
**S.U.KAMDAR, JJ**

**DATED: 25TH AUGUST, 2004**

ORAL JUDGMENT (PER S.U.KAMDAR, J):

1. In the present petition, the petitioners are challenging an allotment of ration shop in favour of respondent no.4 under an order dated 21st November 2003 which has been upheld in the revision proceedings by an order dated 2nd June 2004.

2. We have heard the parties. In our view the

only point which requires to be considered in the present petition is the contention that the respondent no.4 has submitted bogus documents in respect of premises in which the said ration shop has to be conducted. The said area of the premises is shown as 200 sq.ft. It has been contended that in respect of said shop, there has been already an allotment of ration shop in the name of Mr.Sabhajeet Kadar Pal who is running a ration shop bearing no. ARS No.42-G-159. The said ration shop was allotted to him in 1994 in respect of very same premises. Respondent no.4 has on the other hand denied that the said ration shop is sought to be allotted to him for running is the same in respect of the very same shop premises.

3. In the aforesaid light of the rival contention we direct the 2nd respondent, the Controller of Rationing to ascertain and verify whether the shop premises in which the 4th respondent has been issued a ration shop is the very shop premises from where the business of ration shop is conducted by Mr.Sabhajeet Kadar Pal or any other person. If it

is so then the 2nd respondent shall forthwith cancel the allotment of the ration shop to the 4th respondent and shall immediately issue a fresh advertisement inviting the claims of the parties for allotment of the said ration shop. However, on verification, if it is found that the shop premises to which now a ration shop is sought to be allotted is different then the ration shop in which the business of Mr.Sabhajeet Kadar Pal is running than in that even the allotment of the ration shop will be confirmed by the 2nd respondent and 4th respondent will be allowed to continue the ration shop under an allotment which is a subject matter of the present petition. With the aforesaid direction, we dispose of the writ petition. However, there shall be no order as to costs.

Parties to act on a copy of this order duly authenticated by the Court Stenographer.